



EC-2002-030
II-A-009
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 28 1997

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Tim Vallee, President
R.L. Vallee
282 South Main Street
St. Albans, VT 05478

Re: File No. AED/MSEB - 468'8
NOTICE OF VIOLATIONS OF THE CLEAN AIR ACT

Dear Mr. Vallee:

On June 26, 1995, representatives of the U.S. Environmental Protection Agency ("EPA") inspected the Getty branded retail facility located on 126 Canal Street, in Brattleboro, Vermont. The inspection was conducted to determine compliance with section 211(h) of the Clean Air Act ("Act"), 42 U.S.C. § 7545(h) and the regulations issued thereunder (40 C.F.R. part 80). Where inappropriate fuels are used in internal combustion engines, the emissions of harmful gases can increase significantly. Notwithstanding improvements in vehicle emission controls, emissions from motor vehicles continue to make up a very large portion of all air pollution. Congress has established a program of improvement and regulation of fuels to protect our air quality from unnecessary pollution associated with the misfueling of vehicles.

The applicable regulations provide that during the high ozone season, no person may sell, offer for sale or distribution, dispense, supply, offer for supply, store, transport, or cause the transportation of any gasoline unless it meets the applicable standards specified in 40 C.F.R. § 80.27. This law also subjects violators to a maximum civil penalty of \$25,000 per day for each violation in addition to recovery of the amount of the economic benefit or savings resulting from the violation.

As a result of the inspection, EPA has determined that this Getty retail facility sold, offered for sale, dispensed, supplied, offered for supply, and stored gasoline which was in violation of the volatility standard for Vermont. The specified volatility standard for Vermont is 9.0 psi. The volatility of the 92 octane gasoline was 9.4 psi. As the distributor of the gasoline to the facility where the violation was found, you are liable for the violation of 40 C.F.R. § 27(a)(2) pursuant to 40 C.F.R. § 80.28(e)(1).

Sections 211 and 205 of the Act, 42 U.S.C. §§ 7545 and 7524, authorize the Administrator of EPA to assess a civil penalty of up to \$25,000 per day for each violation and the amount of economic benefit or savings resulting from the violation. Section 205(c) further authorizes the Administrator to compromise or remit, with or without conditions, any such penalty. After consideration of the magnitude and the gravity of the violation, the apparent size of your business, and your history of compliance with the Fuels Regulations, we propose a civil penalty for the violations alleged in this Notice of Three Thousand Dollars (\$3,000.00).

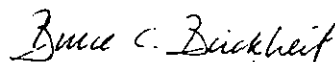
We encourage early settlement of such matters. The settlement process provides substantial flexibility for reducing the proposed penalty, particularly if the alleged violation is corrected promptly. If we cannot settle this matter promptly, we reserve the right to file an administrative complaint or refer this matter to the United States Department of Justice with a recommendation to file a civil complaint in federal district court.

The EPA attorney designated below has been assigned to this case. All information should be sent to the case attorney. Please contact this attorney regarding the Notice of Violation:

Angela E. Fitzgerald, Attorney
U.S. Environmental Protection Agency
Mobile Sources Enforcement Branch
Air Enforcement Division (2242A)
Phone number: 202/564-1018

Please let me once again emphasize that while we take our obligation to enforce these requirements seriously, we will make every effort to reach an equitable settlement in this matter.

Sincerely yours,


Bruce C. Buckheit, Director
Air Enforcement Division